

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.:	10/037,683	§	Confirmation No.:	8294
Applicant:	Robert S. Brayton	§		
Filed:	01/04/2002	§		
TC/A.U.:	2178	§		
Examiner:	Adam L. Basehoar	§		
Title:	METHOD TO SERVE	§		
	REAL-TIME DATA IN	§		
	EMBEDDED WEB	§		
	SERVER	§		
Docket No.:	200302369-1	§		
	(HPC.0864US)	§		

Mail Stop Appeal Brief-Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

The following sets forth Appellant's Reply to the Examiner's Answer dated July 22, 2010.

A. REPLY TO EXAMINER'S ANSWER REGARDING THE § 103 REJECTION OF CLAIMS 37-40, 42, 43 OVER MATEOS AND COATES

As discussed in detail in the Appeal Brief, Mateos and Coates clearly do not provide any hint of the following subject matter of independent claim 1:

- requesting at least a frame of a web page from a managed server, wherein the frame comprises a first embedded object and a call to a scripting language function defined by the first embedded object, wherein the scripting language function is for merging data corresponding to the first embedded object with the web page;
- receiving the frame from the managed server;
- based on evaluating the scripting language function, requesting, by a requesting computer, the data corresponding to the first embedded object from the managed server after receiving the frame from the managed server.

The Examiner's Answer argued that "the view section of the HTML document of the Mateos reference clearly teaches evaluating a Javascript command corresponding to the first embedded object in the data section of the web page for merging the retrieved data into the web page" Examiner's Answer at 18.

The view section in the HTML document of Mateos includes tags that denote a piece of information to be placed in each cell of a row of a table. Mateos, ¶ [0056]. The key point of Mateos is that the web page (as represented by the HTML document discussed in ¶¶ [0055]-[0056] of Mateos) is produced by the CGI program 230 at the **server**, where the CGI program 230 at the **server** runs queries on a database 250 at the server, as depicted in Fig. 2 of Mateos. The query that is run by the CGI program 230 on the database 250 retrieves dynamic information requested by the user of the client computer. *Id.*, ¶¶ [0029], [0070]. This dynamic information is retrieved into the web page 253 that is represented by the HTML document of ¶¶ [0055]-[0056] of Mateos. Note that the HTML document is then sent to the client computer, where the browser

at the client computer interprets the HTML tags discussed in ¶¶ [0055]-[0056] to cause display of a table with the dynamic information retrieved from the database of the server. *Id.*, ¶ [0057].

It is clear that the HTML document is only interpreted or parsed at the client computer, with information for populating the table to be displayed already part of the HTML document. The **retrieval of data** has already been performed at the server by the CGI program 230 running **at the server**. There would be absolutely no need whatsoever for the client computer to evaluate the HTML document received from the server, and then **based on the evaluation of the HTML document**, to further **request** the data corresponding to an embedded object from the server. Mateos makes it clear that the HTML document already contains the necessary scripts and data to allow for a table with the dynamic information to be displayed at the client computer upon the client computer receiving the HTML document and parsing the HTML document.

The specific claim language at issue is as follows:

based on evaluating the scripting language function, requesting, by a requesting computer, **the data** corresponding to the first embedded object **from the managed server** after receiving the frame from the managed server.

In contrast, as specifically taught by Mateos and contrary to the arguments made in the Examiner's Answer, the teachings in Mateos relating to the view section of the HTML document do not provide any hint of **first** evaluating the scripting language function and **then** based on such evaluating, **requesting the data** corresponding to the first embedded object **from the managed server**. Note that Mateos specifically teaches that the necessary data for populating a table for display is already part of the HTML document.

The Examiner's Answer also cited ¶ [0071] of Mateos as purported support for the rejection. Examiner's Answer at 18. This passage of Mateos relates to a browser (at a client computer) resuming its operation in response to a web page received from the server computer.

The browser interprets tags in the HTML document, and the web page is displayed according to the instructions stored in the view section using dynamic information stored in the script variables of the data section. Mateos, ¶ [0071]. There is no hint that the browser or the client computer would **first** evaluate the scripting language function and **then** based on such evaluating, request the data corresponding to the first embedded object from the managed server—it is clear that the data is already contained in the HTML document.

Pages 15-16 of the Examiner's Answer cited various passages of Mateos as disclosing a Javascript script. However, there is absolutely no hint that such Javascript script is first evaluated, and based on such evaluation, data corresponding to the first embedded object is requested from the managed server.

The remaining arguments made in the Examiner's Answer with respect to Coates (the secondary reference) and Siow (a third reference improperly cited since the rejection is only over Mateos and Coates) have already been addressed in the Appeal Brief.

In view of the foregoing and in view of the arguments set forth in the Appeal Brief, the obviousness rejection of the foregoing claims is clearly erroneous.

B. REPLY TO EXAMINER'S ANSWER REGARDING THE § 103 REJECTION OF CLAIM 41 OVER MATEOS AND COATES

The Examiner's Answer did not fully respond to Appellant's arguments presented in the Appeal Brief with respect to claim 41.

Claim 41 further recites that the data corresponding to the first embedded object comprises dynamic data from a management module of the managed server. Note that in the context of base claim 37, such dynamic data generated in real-time would be in response to the request made by the requesting computer after receiving the frame of the web page from the

managed server and based on evaluating the scripting language function in the frame of the web page from the managed server. Claim 41 further recites that the dynamic data is generated in real-time in response to the request for the data corresponding to the first embedded object. Again, the request for the data is generated after receiving the frame of the web page from the managed server and based on evaluating the scripting language function contained in the frame of the web page.

The key point of distinction between Mateos and the claimed subject matter is that the web server of Mateos has already populated the web page with the dynamic data that has been retrieved from the database at the server, and this web page is then sent to the client computer for display. Thus, in Mateos, there would be no separate request by the client computer to the managed server for the dynamic data, such that the dynamic data is generated in real-time in response to such request that is made **after** receiving the frame of the web page from the managed server and **based on evaluating the scripting language function contained in the frame of the web page**.

Neither Mateos nor Coates provides any hint of evaluating any scripting language function contained in the frame of a web page, and based on such evaluation, to make a request by the client computer to the managed server such that dynamic data is generated in real-time in response to the request. The SRLs of Coates noted on page 19 of the Examiner's Answer are clearly not the scripting language function of the claim. The SRL of Coates is merely a locator to allow the end-user computer to generate requests directly to the storage center 2650 over a network. Coates, 27:6-9. An SRL would be more analogous to a uniform resource locator (URL) that is typically used in the world wide web. Equating the SRL with the scripting language function of claim 41 is erroneous.

Therefore, claim 41 is further allowable for the foregoing reasons.

C. REPLY TO EXAMINER'S ANSWER REGARDING THE § 103 REJECTION OF CLAIM 33 OVER MATEOS AND COATES

Claim 33 further recites that populating the object file comprises acquiring real-time data indicative of a current status of a server. With respect to claim 33, the Examiner cited the following passages of Mateos: ¶¶ [0003], [0013], [0029], [0068]. Examiner's Answer at 20. These cited passages of Mateos note that a client computer can interact dynamically with a server computer to download and display information whose content changes each time. However, there is absolutely no hint in these passages, or anywhere else in Mateos or in Coates, of populating an object file that comprises acquiring real-time data indicative of a **current status** of a server. The content of information in the server that changes over time is not the same as information that is indicative of a current status of a server, as claimed.

The Examiner's Answer further argued that "because Mateos teaches that the server could maintain the requested dynamic data, the dynamic data clearly is indicative of the current status of the server." Examiner's Answer at 20. This statement does not seem to make sense. The dynamic data of Mateos is used for populating a table for display—there is no hint in Mateos that the dynamic data of Mateos constitutes real-time data indicative of a current status of a server.

Therefore, claim 33 is further allowable over Mateos and Coates for the foregoing reasons.

CONCLUSION

The remaining arguments in the Examiner's Answer have already been addressed in the Appeal Brief.

In view of the foregoing, and in view of the arguments presented in the Appeal Brief, reversal of all final rejections is respectfully requested.

Respectfully submitted,

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/Dan C. Hu/

Dan C. Hu
Registration No. 40,025
TROP, PRUNER & HU, P.C.
1616 South Voss Road, Suite 750
Houston, TX 77057-2631
Telephone: (713) 468-8880
Facsimile: (713) 468-8883